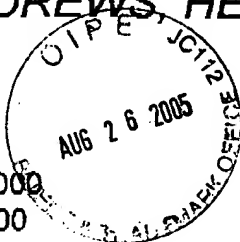


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**TO:                    ISSUE FEE DEPARTMENT****FROM:                Michael T. Cruz****DATE:                August 26, 2005****FACSIMILE NUMBER:    571 273 2885****CHARGE:             1772 - 14235US01**Number of Pages This Transmission (Including Cover Page) **10**

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Attorney Docket No.: 14235US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

R.L. Mahany et al.

Serial No.: 09/129,448

Filed: August 4, 1998

For: HIERARCHICAL  
COMMUNICATION SYSTEM  
PROVIDING INTELLIGENT DATA,  
PROGRAM AND PROCESSING  
MIGRATION

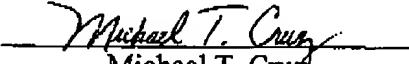
Examiner: Toan D. Nguyen

Group Art Unit: 2665

Conf. No.: 4521

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United States Patent and Trademark Office,  
fax No. (571) 273-2885, on August 26, 2005.

  
Michael T. Cruz  
Reg. No. 44,636

## COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Examiner's Statement of Reasons for Allowance ("the Examiner's Statement") which is set forth in the Notice of Allowability in the above-identified application and accompanies the issue fee transmittal (part B).

Appln. No. 09/129,448  
Comments dated Aug. 26, 2005  
In Reply to Notice of Allowability of Jun. 29, 2005

### REMARKS

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] communication network having a plurality of computing devices, at least one of the plurality of computing devices comprises a roaming terminal device, and each of the plurality of computing devices configured with a wireless transceiver, the communication network comprising: a plurality of access devices supporting wireless communications among the plurality of computing devices; at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of the delivered data to the roaming terminal device, wherein at least one of said plurality of access devices selectively migrates processing resources to support future processing requests" as set forth in independent claim 52.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] communication network having a plurality of computing devices, at least one of the plurality of computing devices comprises a roaming terminal device, and each of the plurality of computing devices configured with a wireless transceiver, the communication network comprising: a plurality of access devices supporting wireless communications among the plurality of computing devices; at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of

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the delivered data to the roaming terminal device, wherein at least one of said plurality of access devices selectively migrates program code" as set forth in independent claim 54.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest an "[a] communication network having a plurality of computing devices, at least one of the plurality of computing devices comprises a roaming terminal device, and each of the plurality of computing devices configured with a wireless transceiver, the communication network comprising: a plurality of access devices supporting wireless communications among the plurality of computing devices; at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of the delivered data to the roaming terminal device, wherein the at least one of said plurality of access devices considers a cost of re-obtaining data before selecting which data to store" as set forth in independent claim 55.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] communication network having a plurality of computing devices, at least one of the plurality of computing devices comprises a roaming terminal device, and each of the plurality of computing devices configured with a wireless transceiver, the communication network comprising: a plurality of access devices supporting wireless communications among the plurality of computing devices; at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of

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the delivered data to the roaming terminal device, wherein the at least one of said plurality of access devices considers a cost to re-obtain the stored data before selecting what stored data to delete" as set forth in independent claim 60.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] communication network having a plurality of computing devices, at least one of the plurality of computing devices comprises a roaming terminal device, and each of the plurality of computing devices configured with a wireless transceiver, the communication network comprising: a plurality of access devices supporting wireless communications among the plurality of computing devices; at least one of said plurality of access devices delivers data to the roaming terminal device; and the at least one of the plurality of access devices selectively stores the delivered data for subsequent delivery of the delivered data to the roaming terminal device, wherein the at least one of said plurality of access devices considers a frequency that the stored data is requested before selecting what stored data to delete" as set forth in independent claim 61.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] method for communications, comprising: supporting wireless communications among a plurality of computing devices via a plurality of access devices, at least one of the plurality of computing devices comprising a roaming terminal device, each of the plurality of computing devices comprising a wireless transceiver; delivering data to the roaming terminal device via at least one of the plurality of access devices; selectively retaining the delivered data for subsequent delivery of the delivered

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data to the roaming terminal device via the at least one of the plurality of access devices; and selectively migrating processing resources via at least one of the plurality of access devices to support future processing requests" as set forth in independent claim 66.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] method for communications, comprising: supporting wireless communications among a plurality of computing devices via a plurality of access devices, at least one of the plurality of computing devices comprising a roaming terminal device, each of the plurality of computing devices comprising a wireless transceiver; delivering data to the roaming terminal device via at least one of the plurality of access devices; selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality of access devices; and selectively migrating program code via at least one of the plurality of access devices" as set forth in independent claim 68.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] method for communications, comprising: supporting wireless communications among a plurality of computing devices via a plurality of access devices, at least one of the plurality of computing devices comprising a roaming terminal device, each of the plurality of computing devices comprising a wireless transceiver; delivering data to the roaming terminal device via at least one of the plurality of access devices; selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality of access devices; and

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considering a cost of re-obtaining data via the at least one of the plurality of access devices before selecting which data to retain" as set forth in independent claim 69.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] method for communications, comprising: supporting wireless communications among a plurality of computing devices via a plurality of access devices, at least one of the plurality of computing devices comprising a roaming terminal device, each of the plurality of computing devices comprising a wireless transceiver; delivering data to the roaming terminal device via at least one of the plurality of access devices; selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality of access devices; and considering a cost to re-obtain the retained data via the at least one of the plurality of access devices before selecting which data to delete" as set forth in independent claim 74.

Applicants respectfully submit that the documents made of record, taken alone or in combination, fail to fairly describe, teach or suggest "[a] method for communications, comprising: supporting wireless communications among a plurality of computing devices via a plurality of access devices, at least one of the plurality of computing devices comprising a roaming terminal device, each of the plurality of computing devices comprising a wireless transceiver; delivering data to the roaming terminal device via at least one of the plurality of access devices; selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality of access devices; and considering a frequency that the retained data is requested via the at least one of the plurality of

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access devices before selecting which retained data to delete" as set forth in independent claim 75.

Applicants respectfully submit that the Examiner's Statement might imply that the dependent claims are only allowable because they depend from allowed independent claims. However, the Examiner's Statement does not discuss any of the other elements of the claimed subject matter, in particular, those additional elements recited in the dependent claims which may render the dependent claims independently allowable in view of the specification, prosecution file history and/or the documents made of record, either alone or in combination.

Applicants respectfully submit that the Examiner's Statement presents only some of the reasons for allowance of the claims, and that other reasons also exist for allowing the claims such as, for example, those set forth more completely in the record as a whole. This interpretation is consistent with M.P.E.P. § 1302.14, which states that any statement of reasons for allowance "[i]s not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state all the reasons for allowance are set forth." M.P.E.P. § 1302.14.

Finally, Applicants agree with the Examiner that claims 52-58, 60, 61, 66-72, 74, 75 and 85-90 are allowable in view of all of the documents made of record, either alone or in combination. However, Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. In closing, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in



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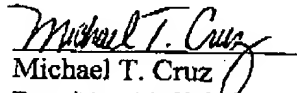
combination, or the characterization of the recited claim elements should that need arise in the future.

If the Examiner has questions, or if Applicants can be of assistance, the Examiner is invited and encouraged to contact Applicants' representative at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: August 26, 2005

Respectfully submitted,

  
Michael T. Cruz  
Reg. No. 44,636  
Attorney for Applicants

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